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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,777	01/03/2002	Jurgen Romisch	06478.1462	8563
75	90 10/07/2003		EXAMINER	
Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. MELLER, MICHAEL V			ICHAEL V	
1300 I Street, N	•		ART UNIT PAPER NUMBER	
Washington, DC 20005-3315			1654	
		DATE MAILED: 10/07/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
-	Advisory Action	10/033,777	ROMISCH ET AL.			
	Authory Motion	Examin r	Art Unit			
		Michael V. Meller	1654			
	The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence address			
THE REPLY FILED 08 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.						
	PERIOD FOR REPLY [check either a) or b)]					
	a) \square The period for reply expires 3 months from the mailing date of the final rejection.					
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.						
2.	The proposed amendment(s) will not be entered be	ecause:				
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);						
(b) ☐ they raise the issue of new matter (see Note below);						
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or						
(d) they present additional claims without canceling a corresponding number of finally rejected claims.						
NOTE:						
3.	Applicant's reply has overcome the following rejecti	on(s):				
4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).						
5.🛛	5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.					
6.□	The affidavit or exhibit will NOT be considered becaraised by the Examiner in the final rejection.	ause it is not directed SOLELY to	o issues which were newly			
7.🛛	For purposes of Appeal, the proposed amendment(explanation of how the new or amended claims wo					
	The status of the claim(s) is (or will be) as follows:					
	Claim(s) allowed: <u>none</u> . Claim(s) objected to: Claim(s) rejected: <u>1-21</u> . Claim(s) withdrawn from consideration: <u>22-24</u> .					
8.[]	The proposed drawing correction filed on is a	a)∏ approved or b)∏ disappr	oved by the Examiner.			
9. <u> </u> 0. <u> </u>						
			Michael V. Meller Primary Examiner Art Unit: 1654			



Continuation of 5. does NOT place the application in condition for allowance because: of the reasons of record. Applicant has requested that the finality be removed but applicant states that they made the amendments they made because they were responding to the examiner's comment about how the pH range can be considered to be a separate ingredient in the composition. Applicant amended both the pH limitation and the statement about the protease or its proenzyme. The amendment made it clear that the preparation now has to have a pH from 2.0 to 8.0 and that the protease or its proenzyme activates coagulation factor VII. The amendment of the pH range did no clear up the examiner's request but only compounded the confusion by saying that the preparation had this pH range and continued to require it as a separate ingredient in the process which clearly is not a separate ingredient in the process claimed. Further, it is clear from the references that the individual components are known in the art for the same purpose. Such disclosures are evident from the references themselves.